

MR

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

JUL 25 2024 M

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Christople Davis
Plaintiffs

v.
cagbabuana et al.
Defendants.

23 CV 6556

PLAINTIFFS RESPONSE TO DEFENDANTS ANSWER
TO PLAINTIFFS COMPLAINT

NOW COMES plaintiff, Christople Davis, prose, and
response TO Defendants, plaintiff states as follows:

INTRODUCTION

Defendants, through his attorney Kimberly M. Foxx,
state's Attorney of Cook County, by her Assistant
states Attorney Johnnetta Byers alleges under
Section 1997e(a) of the prisoner Litigation Reform Act
(PLRA), Plaintiff must exhaust his administrative
remedies before filing a section 1983 lawsuit for
damages that plaintiff has not exhausted his administ-
rative remedies, Plaintiff has requested compensatory
damages but did not say whether that included
mental distress, Plaintiff failed to mitigate his
damages, plaintiff filed his claims after the two-
year statute of limitations, and plaintiff released
any claims arising prior to the execution of the
settlement agreements.

Plaintiffs Response/Defenses

42 U.S.C § 1997e(a) Exhausting Remedies

1. Under Section 1997e(a) of the prisoner Litigation Reform Act (PLRA), Plaintiff filed his Individual In Custody Grievance Form on July 21, 2023. On August 15, 2023 plaintiff Appealed his request on the Individual In Custody Grievance Response/Appeal form (see attached exhibit A) & (see attached exhibit B) Exhausting his administrative remedies before his Complaint that was filed on August 29, 2023 (see Complaint 23-cv-06556)

42 U.S.C § 1997e(e) Damages

2. Under Section 1997e(e) of the PLRA, on the Individual In Custody Grievance Response/Appeal form, section "Response by personnel Handling referral" Lt. Meller admits that plaintiff was left handcuffed inside his cell and that Incident, was Documented "DIV9-7023-16141" (See attached exhibit B). Plaintiff has stated In his complaint that he was Mentally and pysicaly tortured in paragraph 18 (See Complaint 23-cv-06556 paragraph 18) and was taking to Cermak Health Service (a JR hospital inside Cook County Jail) were he was treated for the injuries he suffered (See Complaint 23-cv-06556 paragraphs 21, 22).

Statute of Limitation

3. plaintiff injury/incident occurred on July 20, 2023 and filed his complaint on August 29, 2023 a month and few days later complying with the statute of Limitation before the two-year statute from the date of accrual. (See Attached Exhibit A) & (See Plaintiff Complaint 23-CV-6556)

Release

4. Plaintiff Davis and states Attorney Johnnetta Byers made a settlement Agreement only for case number 23 CV 4316, Davis v. Szul et, al. and that All other cases plaintiff had pending he can proceed with All pending cases. Plaintiff was under the assumption he did not release All other claims. (See Attached Exhibit C - AFFIDAVIT)

Mitigate

5. Plaintiff did his duty to mitigate his damages. On July 21, 2023 plaintiff used ordinary care to obtain medical treatment in an effort to be cured of for his injuries at Cook County Cermak Health Services (Jr. Hospital inside Cook County Jail) (See Complaint 23 CV 6556 paragraphs 21 & 22)

JURY DEMAND

Plaintiff respectfully request a trial by Jury.

WHEREFORE, Plaintiff Davis, respectfully request that this Honorable Court enter an order NOT TO Dismiss plaintiff's Amended Complaint.

Respectfully Submitted
Christophe Davis
3210 W. Arthington ST
Chgo, IL. 60624
7/17/24



COOK COUNTY SHERIFF'S OFFICE

(Oficina - Alguacil del Condado de Cook)

INDIVIDUAL IN CUSTODY GRIEVANCE FORM

(Formulario de Queja del Individuo bajo Custodi)

EXHIBIT A

pg 1 of 2

CONTROL #

Individual In Custody SHORT #

2023 x 12627

0893599

! THIS SECTION IS TO BE COMPLETED BY IIC SERVICES STAFF

(! Para ser llenado solo por el personal de IIC Services !)

- ☐ Emergency Grievance
☒ Grievance
☐ Non-Compliant Grievance

- ☐ Cermak Health Services
☒ Superintendent: 09
☐ Other: _____

332

PRINT - INDIVIDUAL IN CUSTODY LAST NAME (Imprimir - Apellido del individuo):

PRINT - FIRST NAME (Imprimir - Primer nombre del individuo):

BOOKING NUMBER (#de identificación)

DAVIS

Christophe

202112311

DIVISION (División):

9

LIVING UNIT (Unidad):

2G

DATE (Fecha):

7-21-23

GRIEVANCE GUIDELINES AND SUMMARY OF COMPLAINT

To ensure CCDOC receipt of your grievance, please follow the submission requirement per the IIC Information Handbook or see a CRW (Correctional Rehabilitation Worker) for assistance.

Your grievance must meet all criteria listed below in order to be assigned a control #, to be appealed and/or to exhaust remedies.

The grievance is not one of the following non-grievable matters: Classification, including designation of an individual as a security risk or a protective custody individual, or decisions of the disciplinary hearing officer.

The grievance must have occurred within the last 15 calendar days unless the allegation is of sexual assault, sexual harassment, sexual abuse or voyeurism. If the grievance includes an allegation of sexual assault, sexual harassment, sexual abuse or voyeurism no time limits exist. If you believe an exception applies please see a CRW. The grievance must not be a repeat submission of a grievance collected within the last 15 calendar days.

The grievance must not be a repeat submission of a grievance that previously received a response and was appealed.

The grievance must not be a repeat submission of a grievance that previously received a response and you chose not to appeal the response within 15 calendar days.

The grievance must not contain offensive or harassing language and must not contain more than one issue.

The grievance must not pertain to non-jail related concerns such as with arresting agencies, judicial matters, or medical staff at outlying hospitals, etc.

Directrices de quejas y resumen de quejas

Para asegurarse de que CCDOC reciba su queja, siga el requisito de presentación según el Manual de Información de IIC o consulte a un CRW (trabajador de rehabilitación correccional) para obtener ayuda.

El asunto de la queja tiene que satisfacer todo el criterio listado más abajo para obtener un número de control, para ser apelado y/o agotar todos los remedios posibles.

El asunto de la queja no puede ser ninguno de los siguientes temas, que no se consideran quejas formales: Clasificación del preso incluyendo designación del preso. Tal como riesgo de seguridad o custodia de protección para los presos, o decisiones del oficial de audiencias disciplinarias para los individuos.

El asunto de la queja debe haber ocurrido dentro de los 15 días calendarios a menos que la acusación sea de asalto sexual, acoso sexual, abuso sexual o voyeurismo. Si la queja incluye acusaciones de asalto sexual, acoso sexual, abuso sexual o voyeurismo no existe tiempo de límite. Si usted cree que existe una excepción, consulte con un Trabajador de Rehabilitación Correccional (TRC/CRW).

El asunto de la queja no puede ser una repetición de una queja sometida en los últimos 15 días calendarios.

El asunto de la queja no puede ser una repetición de una queja previamente recibida y la cual ya ha recibido una respuesta y fue apelada.

El asunto de la queja no puede ser una repetición de una queja previamente recibida y la cual ya ha recibido una respuesta y usted recibida no someter una apelación sobre la decisión dada en los 15 días calendarios.

El tema agravado no debe contener lenguaje ofensivo o acosador y no debe contener más de un tema.

El asunto de la queja corresponde asuntos no relacionados con la cárcel, como las agencias de arresto, los asuntos judiciales o el personal médico en los hospitales periféricos, etc.

REQUIRED - DATE OF INCIDENT (Fecha del Incidente)	REQUIRED - TIME OF INCIDENT (Hora del incidente)	REQUIRED - SPECIFIC LOCATION OF INCIDENT (Lugar Específico del Incidente)	REQUIRED - NAME and/or IDENTIFIER(S) OF ACCUSED (Nombre y/o Identificación del Acusado)
7-20-23	6:45 p.m	Div 9-2G-cell#2082	Ofc. Cacabaguana
<p>Failure to protect: On the above date and around approx time Officer Cacabaguana and unknow staff assign to Div 9-Tier 2G violated IIC Davis Eighth Amendment right and was negligent to his safety and care. Officer Cacabaguana and unknow staff left IIC Davis handcuff inside his cell in a max division which Davis also had a cellmate. These conditions deprived Davis of Life's necessities/basic human needs, medical care and reasonable safety. Davis suffer cruel and unusual punishment by the handcuffs tightening around his wrists that tore his skin and swollen both hands, couldn't take bowel movement, suffer back, shoulder, neck, chest pain having to sleep handcuff up until 7-21-23</p>			
NAME OF STAFF OR INDIVIDUAL IN CUSTODY HAVING INFORMATION REGARDING THIS COMPLAINT: (Nombre del personal o individuo que tengan información:)			SIGNATURE of Individual in Custody: (Individuo bajo custodia):
Irell Dickens, Ofc Smith, Sgt Franco, Ofc Bastrzyk			Christophe Davis
SUPERINTENDENT/DIRECTOR/DESIGNEE OF A DIVISION/UNIT MUST REVIEW ALL GRIEVANCES ALLEGING STAFF USE OF FORCE, STAFF MISCONDUCT, AND EMERGENCY GRIEVANCES. IF THE IIC GRIEVANCE IS OF A SERIOUS NATURE, THE SUPERINTENDENT MUST INITIATE IMMEDIATE ACTION.			
CRW NAME (Print):	SIGNATURE:		DATE CRW RECEIVED:
Jennell	Jennell		7-27-23
CRW NOTATION OF SENT EMAIL (Print):			DATE EMAIL NOTIFICATION SENT:



COOK COUNTY SHERIFF'S OFFICE

(Oficina del Alguacil del Condado de Cook)

INDIVIDUAL IN CUSTODY GRIEVANCE FORM

(Formulario de Queja del Individuo bajo Custodi)

EXHIBIT A

py20t2

CONTROL #

Individual In Custody SHORT #

2023x 120270398599

! THIS SECTION IS TO BE COMPLETED BY IIC SERVICES STAFF

(! Para ser llenado solo por el personal de IIC Services !)

- ☐ Emergency Grievance
☒ Grievance
☐ Non-Compliant Grievance

- ☐ Cermak Health Services
☐ Superintendent: 09
☐ Other:

PRINT - INDIVIDUAL IN CUSTODY LAST NAME (Imprimir - Apellido del individuo):

Davis

PRINT - FIRST NAME (Imprimir - Primer nombre del individuo):

Christophe

BOOKING NUMBER (#de identificación)

2021123111

DIVISION (División):

9

LIVING UNIT (Unidad):

2G

DATE (Fecha):

7-21-23

GRIEVANCE GUIDELINES AND SUMMARY OF COMPLAINT

To ensure CCDOC receipt of your grievance, please follow the submission requirement per the IIC Information Handbook or see a CRW (Correctional Rehabilitation Worker) for assistance.

Your grievance must meet all criteria listed below in order to be assigned a control #, to be appealed and/or to exhaust remedies.

The grievance issue is not one of the following non-grievable matters: Classification, including designation of an individual as a security risk or a protective custody individual, or decisions of the disciplinary hearings officer.

The grievance issue must have occurred within the last 15 calendar days unless the allegation is of sexual assault, sexual harassment, sexual abuse or voyeurism. If the grievance includes an allegation of sexual assault, sexual harassment, sexual abuse or voyeurism no time limits exist. If you believe an exception applies please see a CRW. The grievance issue must not be a repeat submission of a grievance collected within the last 15 calendar days.

The grievance issue must not be a repeat submission of a grievance that previously received a response and was appealed.

The grievance issue must not be a repeat submission of a grievance that previously received a response and you chose not to appeal the response within 15 calendar days.

The grievance issue must not contain offensive or harassing language and must not contain more than one issue.

The grievance issue must not pertain to non-jail related concerns such as with arresting agencies, judicial matters, or medical staff at outlying hospitals, etc.

Directrices de quejas y resumen de quejas

Para asegurarse de que CCDOC reciba su queja, siga el requisito de presentación según el Manual de Información de IIC o consulte a un CRW (trabajador de rehabilitación correccional) para obtener ayuda.

El asunto de la queja tiene que satisfacer todo el criterio listado más abajo para obtener un número de control, para ser apelado y/o agotar todos los remedios posibles.

El asunto de la queja no puede ser ninguno de los siguientes temas, que no se consideran quejas formales: Clasificación del preso incluyendo designación del preso. Tal como riesgo de seguridad o custodia de protección para los presos, o decisiones del oficial de audiencias disciplinarias para los individuos.

El asunto de la queja debe haber ocurrido dentro de los 15 días calendarios a menos que la acusación sea de asalto sexual, acoso sexual, abuso sexual o voyeurismo. Si la queja incluye acusaciones de asalto sexual, acoso sexual, abuso sexual o voyeurismo no existe tiempo de límite. Si usted cree que existe una excepción, consulte con un Trabajador de Rehabilitación Correccional (TRC/CRW).

El asunto de la queja no puede ser una repetición de una queja sometida en los últimos 15 días calendarios.

El asunto de la queja no puede ser una repetición de una queja previamente recibida y la cual ya ha recibido una respuesta y fue apelada.

El asunto de la queja no puede ser una repetición de una queja previamente recibida y la cual ya ha recibido una respuesta y usted recibida no someter una apelación sobre la decisión dada en los 15 días calendarios.

El tema agravado no debe contener lenguaje ofensivo o acosador y no debe contener mas de un tema.

El asunto de la queja corresponde asuntos no relacionados con la cárcel, como las agencias de arresto, los asuntos judiciales o el personal médico en los hospitales periféricos, etc.

REQUIRED - DATE OF INCIDENT (Fecha del incidente)	REQUIRED - TIME OF INCIDENT (Hora del incidente)	REQUIRED - SPECIFIC LOCATION OF INCIDENT (Lugar Especifico del Incidente)	REQUIRED - NAME and/or IDENTIFIER(S) OF ACCUSED (Nombre y/o Identificación del Acusado)
7-20-23	6:45 pm	Div 9-2G-cell#2082	OFC: Cacbaquana
around 8:40 a.m. when OFC Bastrzyk and Unknown Staff Working 7am-3pm shift let Davis out of his cell. Davis is traumatized Mentally, physically and emotionally. Sgt Franco was notified were he reviewed camera footage and wrote an report and also interview me by video body camera. This is an unsafe environment. Please check and save all tier and body camera footage from around above time and date until 7-21-23 to around 9:00 a.m. Davis also has major headache were he has blackouts/seizures he feared for his life safety being in a cell unable to protect himself from a cellmate that is charged with murder and been incarcerated for about 10yrs. He could have been raped.			
NAME OF STAFF OR INDIVIDUAL IN CUSTODY HAVING INFORMATION REGARDING THIS COMPLAINT: (Nombre del personal o individuo que tengan información):			SIGNATURE of Individual in Custody: (Individuo bajo custodia):
OFC: Stainsenski CITRELL DICKENS; OFC: Smith; Sgt Franco; OFC Bastrzyk			Christophe Davis
SUPERINTENDENT/DIRECTOR/DESIGNEE OF A DIVISION/UNIT MUST REVIEW ALL GRIEVANCES ALLEGING STAFF USE OF FORCE, STAFF MISCONDUCT, AND EMERGENCY GRIEVANCES. IF THE IIC GRIEVANCE IS OF A SERIOUS NATURE, THE SUPERINTENDENT MUST INITIATE IMMEDIATE ACTION.			
CRW NAME (Print):		SIGNATURE:	DATE CRW RECEIVED:
Jenna		Jenna	7-27-23
CRW NOTATION OF SENT EMAIL (Print):			DATE EMAIL NOTIFICATION SENT:

EXHIBIT B



COOK COUNTY SHERIFF'S OFFICE

(Oficina Del Alguacil del Condado de Cook)

INDIVIDUAL IN CUSTODY GRIEVANCE RESPONSE/APEAL FORM

(Individuo bajo custodia - formulario de respuesta/apelación de queja)

CONTROL NUMBER

Individual In Custody SHORT #:

2023X/2027 0373592

PRINT: CRW LAST NAME

Tanner

INFORMATION TO BE COMPLETED BY IIC SERVICES PERSONNEL ONLY

Individual In Custody LAST NAME: Darius	Individual In Custody FIRST NAME: Chunyele	BOOKING ID #: 2021123111
GRIEVANCE ISSUE AS DETERMINED BY CRW: 332 Handcuffs		
IMMEDIATE CRW RESPONSE (if applicable):		
CRW/ REFERRED THIS GRIEVANCE TO (Example: Superintendent, Cermak Health Services): 09		DATE REFERRED: 7/28/23

RESPONSE BY PERSONNEL HANDLING REFERRAL

Incident, Documented DJV#-2023-16191. Investigation is being conducted however, IIC never told my officer he was wearing handcuffs			
RANK - NAME of PERSONNEL RESPONDING to GRIEV.: - STAR# Lt Meller 762	SIGNATURE: <i>[Signature]</i>	DIV./DEPT. 9	DATE: 8/15/23

THIS SECTION IS TO BE COMPLETED BY INDIVIDUAL IN CUSTODY ! (Esta sección debe ser completada por el individuo.)

INDIVIDUAL IN CUSTODY SIGNATURE (Firma del individuo bajo custodia): <i>[Signature]</i>	DATE RESPONSE WAS RECEIVED: (Fecha en que la respuesta fue recibida) 8/15/23
--	---

INDIVIDUAL IN CUSTODY 'S REQUEST FOR AN APEAL (Solicitud de apelación del individuo)

TO BE COMPLETED BY INDIVIDUAL IN CUSTODY

- To exhaust administrative remedies, a grievance appeal must be made on this form and within 15 calendar days of the date the individual received the above notated response. An appeal must be filed in ALL circumstances in order to exhaust administrative remedies, regardless if the grieved issue(s) have been referred for further review and/or investigation. Any pending O.P.R. review or investigation, is NOT part of the grievance appeal process. Para agotar los recursos administrativos, las apelaciones de quejas se deben realizar en este formulario y dentro de los 15 días calendarios a partir de la fecha en que el individuo recibió la respuesta anotada anteriormente. Se debe presentar una apelación en TODAS las circunstancias a fin de agotar los recursos administrativos, independientemente si los asuntos de la queja han sido referidos para una revisión y/o investigación. Cualquier revisión o investigación pendiente de OPR NO es parte del proceso de apelación de quejas.)

INDIVIDUAL IN CUSTODY BASIS FOR AN APEAL: (Base de apelación del individuo.)
DATE OF APEAL REQUEST: (Fecha de la solicitud de la apelación.) 8/15/23

I did tell officer Cagbawana I was handcuffed, and officers shouldn't have leaving handcuffs on detainees it's a safety issue. I would like to be compensated 100,000.00 for my injuries

TO BE COMPLETED BY INDIVIDUAL IN CUSTODY

DIRECTOR'S/DESIGNEE'S ACCEPTANCE OF BASIS/REQUEST OF APEAL?

(Aceptación del Director/Designado de la solicitud de apelación del individuo.)

Yes

No

IIC SERVICES DIRECTOR/DESIGNEE'S DECISION OR RECOMMENDATION: (Decisión o recomendación por parte del Director de Servicios de IIC / Designado.)

2/Div unable to substantiate IIC Claims, Griev. procedure does NOT award compensation.

IIC SERVICES DIRECTOR/DESIGNEE (Director de Servicios de IIC / Designado): <i>[Signature]</i>	SIGNATURE (Firma): <i>[Signature]</i>	DATE (Fecha): 8/16/23
--	--	--------------------------

Appeal response and/or decision returned to IIC via inter-departmental mail, U.S. Mail or CRW delivery.
(Su respuesta de apelación y/o decisión será entregado al IIC por Correo interno del departamento, Correo de EE. UU. o del Trabajador Social (CRW).)

DATE APEAL RESPONSE/DECISION WAS FORWARDED:
(Fecha en que se envió la respuesta/decisión de apelación.)

/ AUG 18 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISIONChristople Davis
Plaintiffs

vs.

Cagbabuana et al.
Defendants.

Case NO. 23 CV 6556

AFFIDAVITState of Illinois
County of Cook) AFFIDAVIT OF Christople Davis

I Christople Davis, being first duly sworn,
deposes as follows:

1. Plaintiff Christople Davis had a settlement conference with Assistant State's Attorney Johnnetta Byers containing Case Number 23 CV 4316, Davis v. Szul et. al.
2. Plaintiff Christople Davis and Johnnetta Byers made a settlement Agreement only for Case Number 23 CV 4316, Davis v. Szul et. al.
3. Johnnetta Byers said to plaintiff Christople Davis that all of his pending lawsuit/cases will still be pending and do not have anything to do with the settlement Agreement for case number 23 CV 4316, Davis v. Szul et. al.

4. Plaintiff Christophe Davis told JohnNetta Byers he will not Agree to settle on case Number 23 c 4316, Davis v. Szul et. al unless it was just for Davis v. Szul, and all is other pending case Will still be pending. JohnNetta Byers agreed to the deal.
5. Plaintiff was under the assumption All his pending cases had nothing to do with case Number 23 c 4316 Davis v. Szul and that he can proceed with all his other pending cases

Under penalty of perjury, I hereby declare and affirm that the above stated facts, to the best of my knowledge, are true and correct.

Dated this 17TH day of July, 2024

Christophe Davis
signature

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

Christophe Davis,)
Plaintiff,)

v.)

Cagbabuana et al,)
Defendant,)

Case No. 23 CV 6556

NOTICE OF FILING

To: Clerk of District Court
219 S. Dearborn St
Chgo, IL 60604

To: Johnnetta Byers (ASA)
500 Richard J. Daley Center
Chgo, IL 60602
johnnetta.byers@cookcountyil.gov

(Original & 1 copy)

(1 copy)

PLEASE TAKE NOTICE that on the date below indicated, I have served thru the U.S. Mail, with the above named parties, the below listed documents (number of copies & originals filed are listed below the addresses of the parties):

1. Plaintiff Response to Defendants Answer to plaintiff's complaint
2. Plaintiff's Response to Defendants Motion for judgment on the pleadings
3. Affidavit of Christophe Davis
4. _____

AFFIDAVIT OF SERVICE

State of Illinois)
County of COOK) ss.

I, Christophe Davis, being first duly sworn, certify that I have served the above listed documents on the parties as above indicated by placing the originals and true copies of said documents in seal envelope(s) addressed as shown above, and by depositing said envelopes(s) in the box designated for U.S. Mail at Crossroads A.T.C. together with the appropriate request to the prison official responsible to affix fully prepaid First Class Postage thereon, on this day of July 17, 2024.

Subscribed and sworn to before me
this _____ day of _____, 20____.

/s/ Christophe Davis
AFFIANT

Register NO. R31569
Crossroads A.T.C.
3210 W. Arthington
Chgo, IL 60624

NOTARY PUBLIC

Christophe Davis # R31569
Crossroads A.T.C
3210 W. Arthington St
Chgo, IL. 60624



OFFICE OF
CLERK OF THE U.S. District Court
219 S. Dearborn Street
Chgo, IL. 60604



07/25/2024-3

Legal Mail

RECEIVED

2024 JUL 25 AM 8:46